

Article - Environment

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§7-228.

(a) On behalf of this State and in accordance with the Real Property Article, the Department may acquire, by condemnation, any interest in land or facility if the Department determines that:

(1) The condemnation is necessary to perform the duties imposed by this subtitle or for any other purpose authorized under this subtitle;

(2) The land or facility poses a substantial threat to the public health;
or

(3) Any future disturbance of the land would pose a substantial threat to the natural resources of this State.

(b) On behalf of this State, the Department may recover the cost of acquiring any land or facility which is acquired through condemnation under this section from any responsible person.

(c) (1) If an interest in land that was acquired under this section is not needed to carry out the provisions of this subtitle, the Department shall dispose of the land as soon as practicable.

(2) The Department first shall offer the interest in land to the prior owner who shall have the right to purchase the land from the Department by paying the same amount paid by the Department to that owner at the time of condemnation.

(3) If the prior owner does not exercise the rights conferred by this subsection, the Department shall dispose of the interest in land through public sale, taking into account the following factors:

(i) The full recovery of any expenditures from the State Hazardous Substance Control Fund;

(ii) To the extent practicable, the sale of the interest in land shall be at the fair market value;

(iii) The effect of the sale on surrounding land values or uses;
and

(iv) The potential for public use of the interest in land by another public agency.

(4) If the State recovers the cost of acquisition from any person under subsection (b) of this section, the State shall reimburse that person out of the proceeds of the sale of the interest in land.

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